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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,978	07/22/2005	Luc Feyt	05102-PCT-PA	9260

7590 04/18/2007
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EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/530,978

Applicant(s)

FEYT, LUC

Examiner

Brian P. Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed January 25, 2007. Applicant has amended claims 1-4 and 6. New Claims 7 and 8 have been added. Currently, claims 1-8 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 20061022.
3. The objection of claims 4 and 6 is withdrawn in view of applicant's amendments and remarks.
4. The rejection of claims 1-3 and 5 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
5. The rejection of claims 1-3 and 5 under 35 U.S.C. 103(a) as being unpatentable over May et al, U.S. Patent No. 4,652,403, in view of Kuzee et al, WO 99/64551, is maintained for the reasons of record.

NEW GROUNDS OF REJECTION

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al, U.S. Patent No. 4,652,403, in view of Kuzee et al, WO 99/64551.

The primary reference of May et al, U.S. Patent No. 4,652,403, discloses a laundry composition comprising 1-40% by weight of an aluminosilicate and 0.5-5% by weight of an aminopoly(methylenephosphonate) (see abstract and col. 1, lines 34-64). It is further taught by May et al that the composition further contains surfactants (see col. 2, line 65-col. 3, line 35), and that bleaches are an optional ingredient (see col. 2, lines 36-64). Specifically, note Examples 1-2, which disclose laundry detergent bases that are free of oxygen bleaches. May et al does not disclose a laundry detergent composition that contains a fructan component, as required in the instant claims.

The secondary reference of Kuzee et al, WO 99/64551, discloses a laundry detergent composition comprising a fructan polycarboxylic acid which contains on average at least 0.05 carboxyl groups per monosaccharide unit (see abstract and page 2, lines 25-36). It is further taught by Kuzee et al that the use of fructan polycarboxylic acids leads to a highly efficient, environmental-friendly removal of contaminants from textiles (see page 2, lines 1-8).

Therefore, in view of the teachings of the secondary reference of Kuzee et al, one having ordinary skill in the art would be motivated to modify the primary reference of May et al by using a fructan polycarboxylic acid to produce a laundry detergent composition that is highly efficient in removing contaminants and that is environmentally-friendly. Such modification would be obvious because one would expect that the use of a fructan polycarboxylic acid, as taught by Kuzee et al, would be similarly useful and applicable to the analogous laundry taught by May et al.

Response to Arguments

8. Applicant's arguments filed January 25, 2007 have been fully considered but they are not persuasive.

It is first noted by the examiner that applicant has stated on the record that the presence of any bleaching system is not an inventive parameter needed for carrying out the invention, since the phrase "absence of oxygen bleaches" belongs to the preamble.

Applicant argues that May et al, U.S. Patent No. 4,652,403, requires peroxy bleaching compounds in major levels, since the term "preferably", in relation to oxygen bleach, stands for usually, and since all of the examples contain oxygen bleaches. However, the examiner respectfully asserts that applicant has construed the phrase "capable of exhibiting bleachable stain removal in the absence of oxygen bleaches" that is recited in independent claim 1 to mean that the bleaching system is not an inventive parameter, and thus, that the composition may or may not include oxygen bleaches (see applicant's remarks dated January 25, 2007).

Applicant argues that the secondary reference of Kuzee et al, WO 99/64551, is non-analogous art, since Kuzee et al is directed toward industrial textile treatment, whereas the primary reference of May et al is directed toward laundry detergents. In response to applicant's argument that Kuzee et al is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the examiner asserts that Kuzee et al is both in the field of applicant's endeavor (i.e. detergent composition for laundry and/or textiles), and is pertinent to the particular problem with which the applicant was concerned (i.e. the addition of fructan polycarboxylic acids enhance stain removal in laundry and textile applications). It is also noted by the examiner that both the primary reference of May et al and the secondary reference of Kuzee et al are analogous, since the detergent compositions for treating laundry and textiles are analogous.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPM

Brian P Mruk
April 15, 2007

Brian P. Mruk

Brian P Mruk
Primary Examiner
Art Unit 1751